



2015

UPLAND POLICE DEPARTMENT

ANNUAL USE OF FORCE REPORT

Prepared by Sergeant Marc Simpson

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Purpose:

The purpose of this report is to provide a transparent statistical analysis of use of force incidents Upland Police Department officers were involved in within a calendar year; provide information to improve training; reduce the potential for injury to officers and suspects and strengthen ties between the police department and community stakeholders.

Mission Statement:

The mission of the Upland Police Department is to maintain public order following established ethical and constitutional guidelines, in partnership with the community, so as to provide a safe and peaceful environment for all citizens.

Motto:

Proud to Serve

Core Values:

HONESTY

I will always strive to be truthful, consistent and genuine in my actions, reports, conversations and relationships.

INTEGRITY

I will make a commitment to perform my duties with the highest degree of professionalism, moral character, diligence, prudence and honor.

TEAMWORK

I recognize that cooperation with my superiors, my peers and my subordinates serves to enhance my personal success, the mission of the Department and the well-being of the community.

Teamwork includes the following principles: 1) mutual respect; 2) tact; 3) interdependent cooperation; 4) open lines of two-way communication; 5) constructive criticism; and 6) shared success in completion of the mission.

FAIRNESS

I will endeavor to be consistent, compassionate, considerate and unbiased with all persons I contact, in my capacity as a member of the Department, regardless of race, sex, color, ethnicity, religion or disability.

PROFESSIONAL

I am proud of my profession and take great pride in maintaining a positive Department image. I am true professional in my approach to all of my job activities.

SERVICE

I pride myself in our Department's ability to respond to the needs of the community. Our dedication and expertise builds confidence in our members and the citizens we serve.

EFFICIENCY

I will endeavor to produce the desired result by utilizing resources only as needed.

EFFECTIVENESS

I will be a goal-oriented member. I will perform my work with purpose and explicit objectives in order to meet the expectations of our Department.

COURTESY

I will strive to maintain a self-controlled and professional demeanor, under all circumstances when interacting with others.

EXCELLENCE

I will never settle for mediocrity in my work performance or in the discharge of my duties.

Judging Use of Force

California Penal Code 835(a) authorized any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

It is the policy of this Department that personnel may use only that force which is ***objectively reasonable*** to:

- a. Defend themselves;
- b. Defend others;
- c. Effect an arrest or detention;
- d. Prevent escape; or,
- e. Overcome resistance

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reasons of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or overcome resistance.

The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. ***See Graham v. Connor, 490 U.S. 386 (1989).*** Graham states in part, "The ***reasonableness*** of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments; in circumstances that are tense, uncertain and rapidly evolving; about the amount of force that is necessary in a particular situation. The test of reasonableness

is not capable of precise definition or mechanical application. The force must be reasonable under the circumstances known to the officer at the time the force was used.” Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

The Department examines reasonableness using Graham and from the articulated facts from the perspective of an Upland Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

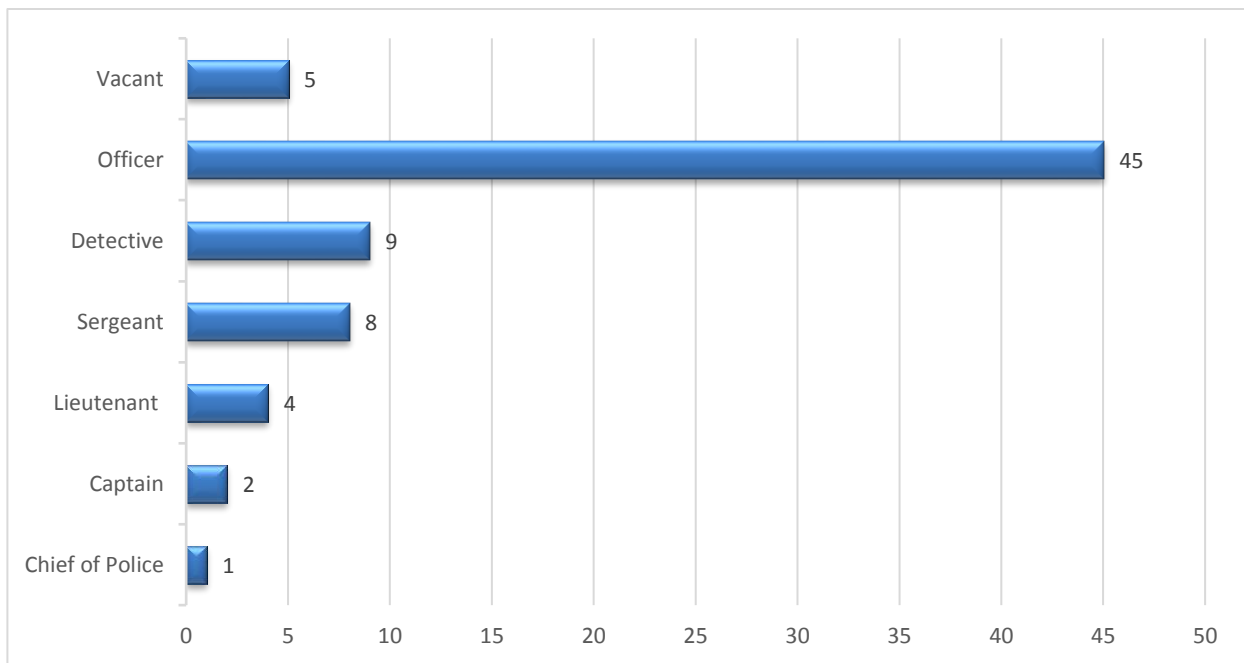
- a.** Immediacy and severity of the threat to officers or others;
- b.** The conduct of the individual being confronted, as reasonably perceived by the officer at the time;
- c.** Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects);
- d.** The effects of drugs or alcohol;
- e.** Subject's mental state or capacity;
- f.** Proximity of weapons or dangerous improvised devices;
- g.** The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained;
- h.** The availability of other options and their possible effectiveness;
- i.** Seriousness of the suspected offense or reason for contact with the individual;
- j.** Training and experience of the officer;
- k.** Potential for injury to officers, suspects and others;

- l.** Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer;
- m.** The risk and reasonably foreseeable consequences of escape;
- n.** The apparent need for immediate control of the subject or a prompt resolution of the situation.;
- o.** Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;
- p.** Prior contacts with the subject or awareness of any propensity for violence; and
- q.** Any other exigent circumstances.

The reasonableness of an Officer's use of force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (*Hayes v. County of San Diego*).

Department Information

The Upland Police Department (UPD) was established in 1906 and consisted of one officer. At the end of 2015, UPD was authorized 74 sworn positions, but actual staffing was 69. The City provides police services to approximately 78,000 residents, which encompasses 15.84 square miles.

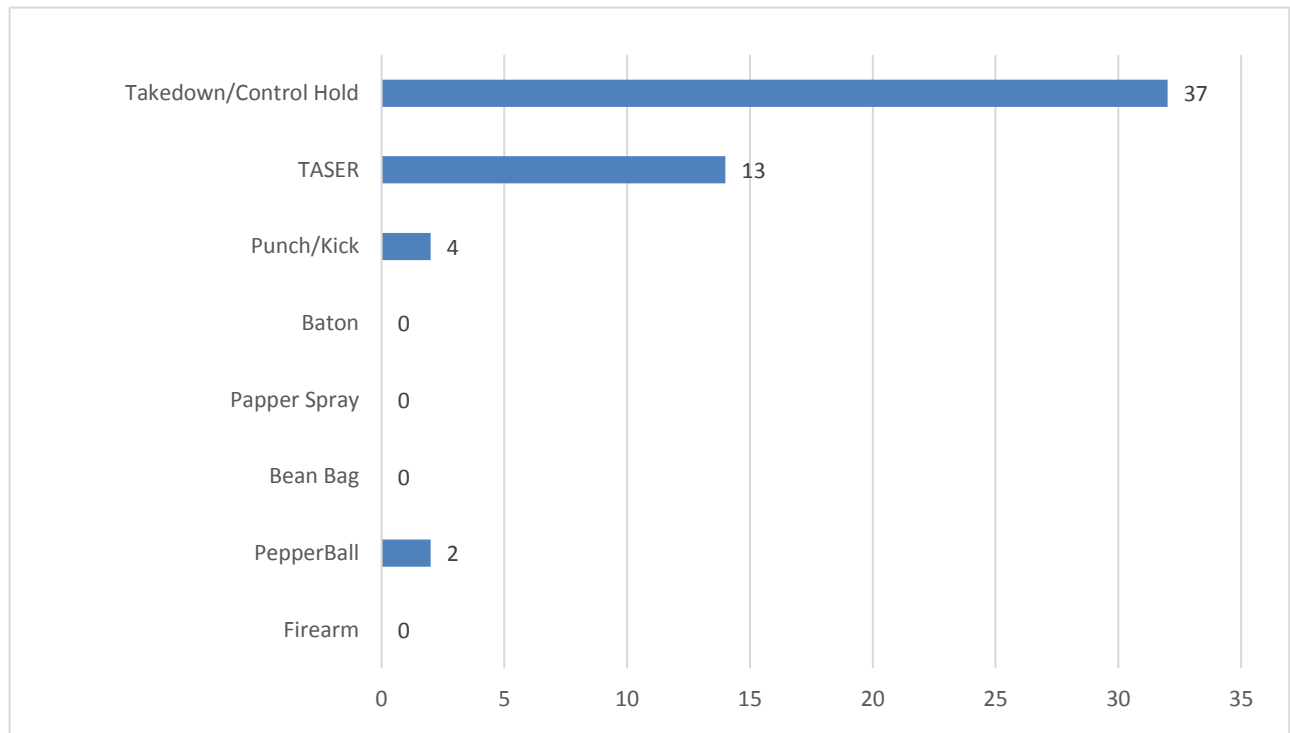


Use of Force Options

Sworn personnel have a wide range of force options available to them. The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

Bodily Force	<ul style="list-style-type: none">• Takedowns• Control Holds• Kicks• Punches
Chemical Agents	<ul style="list-style-type: none">• Oleoresin Capsicum (Pepper Spray)• PepperBall
Electrial Control Devices	<ul style="list-style-type: none">• TASER
Impact Weapons	<ul style="list-style-type: none">• Baton• Bean Bag• PepperBall
Deadly Force	<ul style="list-style-type: none">• Firearms

2015 USE OF FORCE STATISTICS



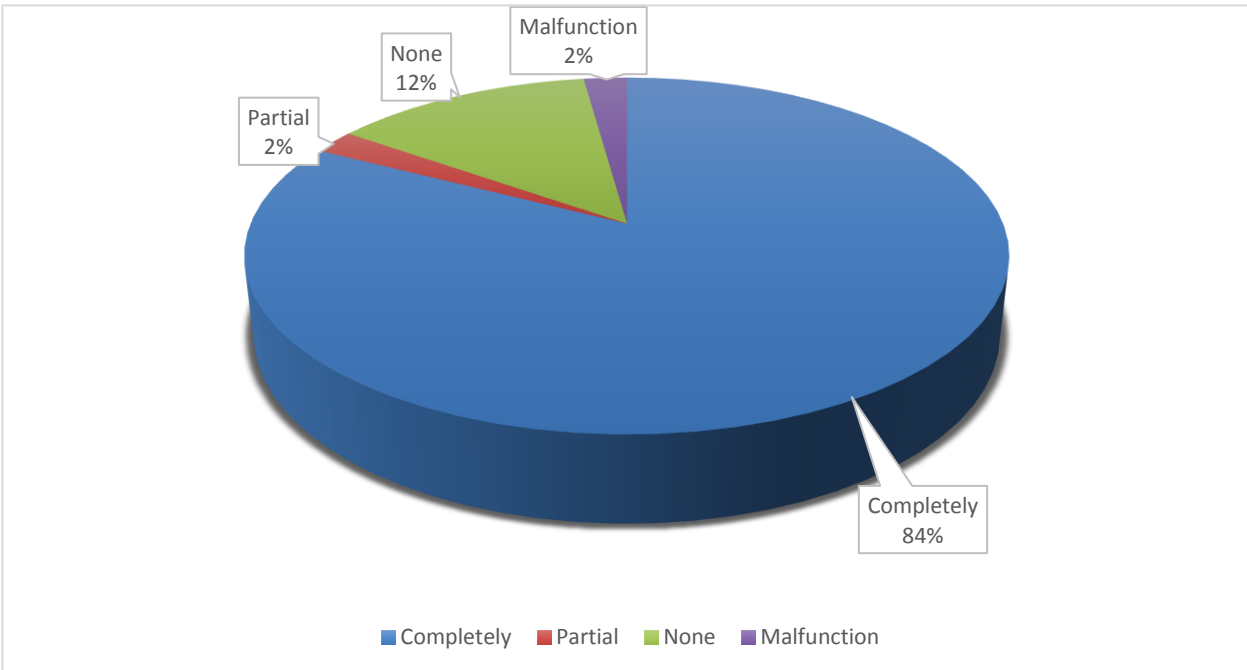
In 2015, UPD officers used 56 force options in 51 use of force incidents. Subsequent annual Use of Force Reports will involve statistical analysis compared to previous years.

The most common type of force used to affect an arrest was minor takedowns and or control holds (65%). The most common type of force used by Upland Officers closely mirrors that of national statistics¹.

¹ ncjrs.gov/pdffiles1/nij/176330-2.pdf

2015 Use of Force Incidents Recorded (camera or belt recorder)

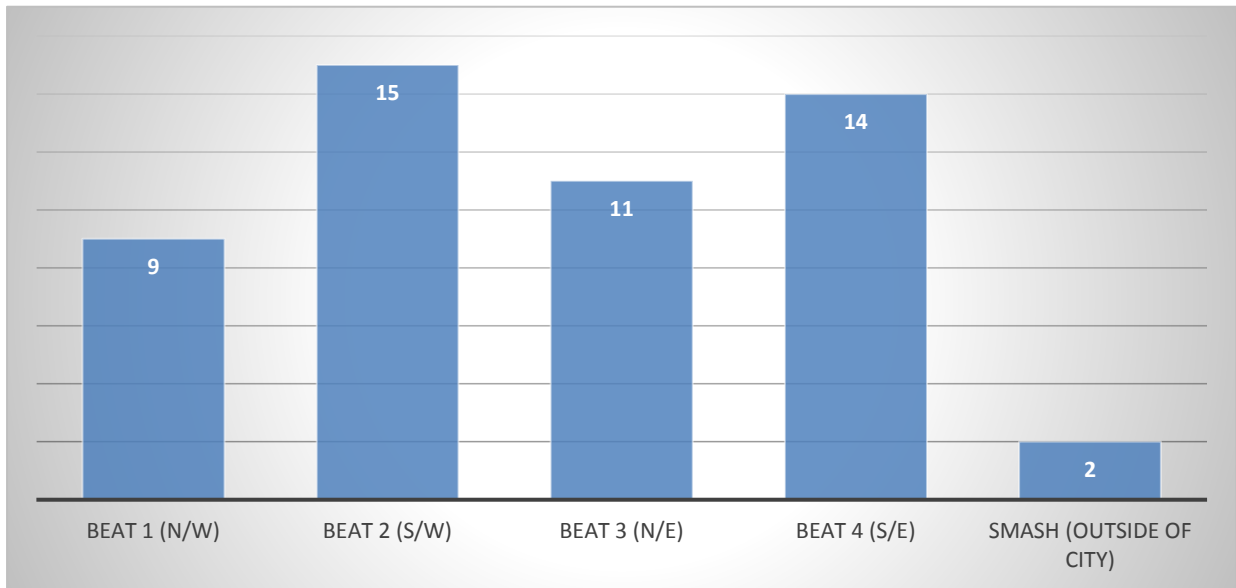
Completely:	43
Partial:	1
None:	6
Malfunction:	1



During the first quarter of 2015 UPD officers transitioned from digital recorders to body worn cameras. When the camera is activated by an officer it captures 30 seconds of video prior to the activation; audio and video is recorded from then on. In a perfect world all contacts with citizens would be recorded, but a variety of reasons such as privacy, quickly unfolding incidents which do not allow the officer to active the camera and device malfunctions make this goal impossible.

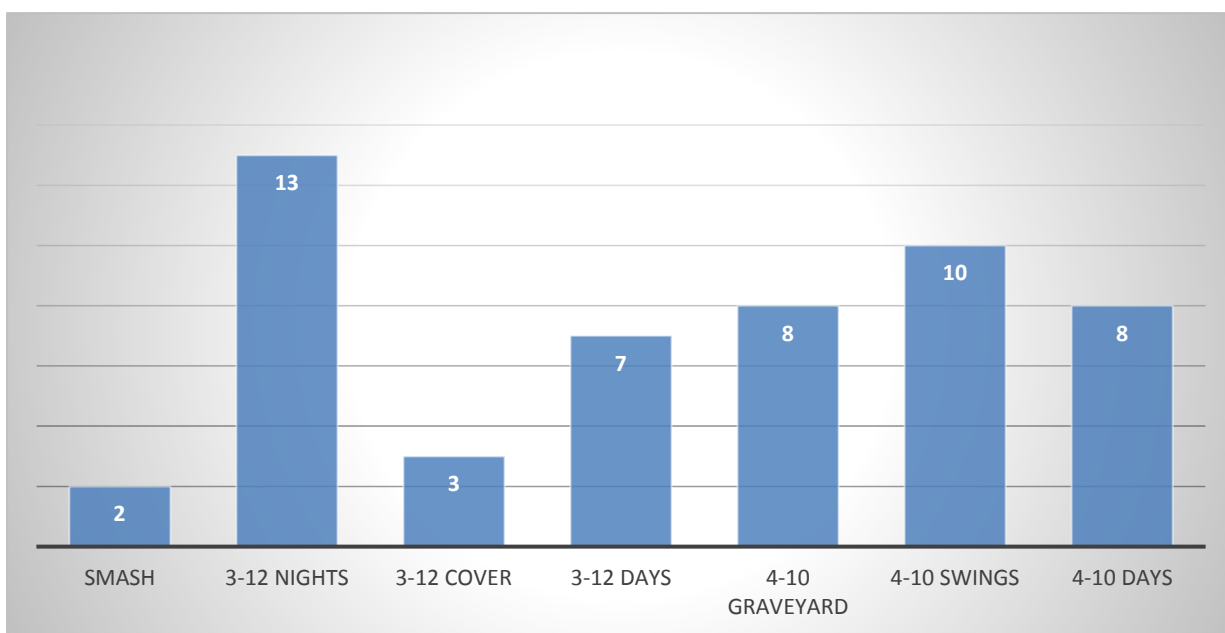
Location of Incident

The City of Upland is divided into four quadrants and are referred to as “beats.” The dividing line of these beats are Foothill Boulevard and Euclid Avenue.



Incidents by Shift

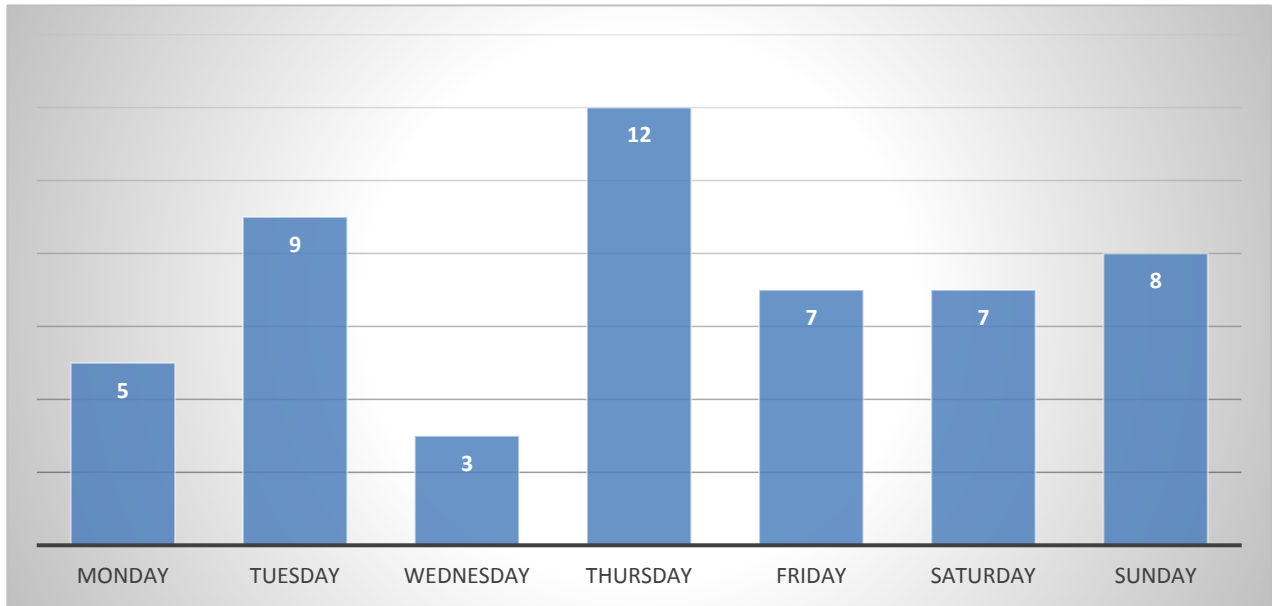
The Upland Police Department utilizes 6 shifts for all sworn personnel. The 4-10 shifts work Monday through Thursday (10 hours.) The 3-12 shifts work Friday through Sunday (12.5 hours) and one (10 hour) shift a month. SMASH is an acronym for San Bernardino County Movement Against Strict Hoodlums. The Department participates in the SMASH program which is location specific targeted enforcement in various localities throughout the county.



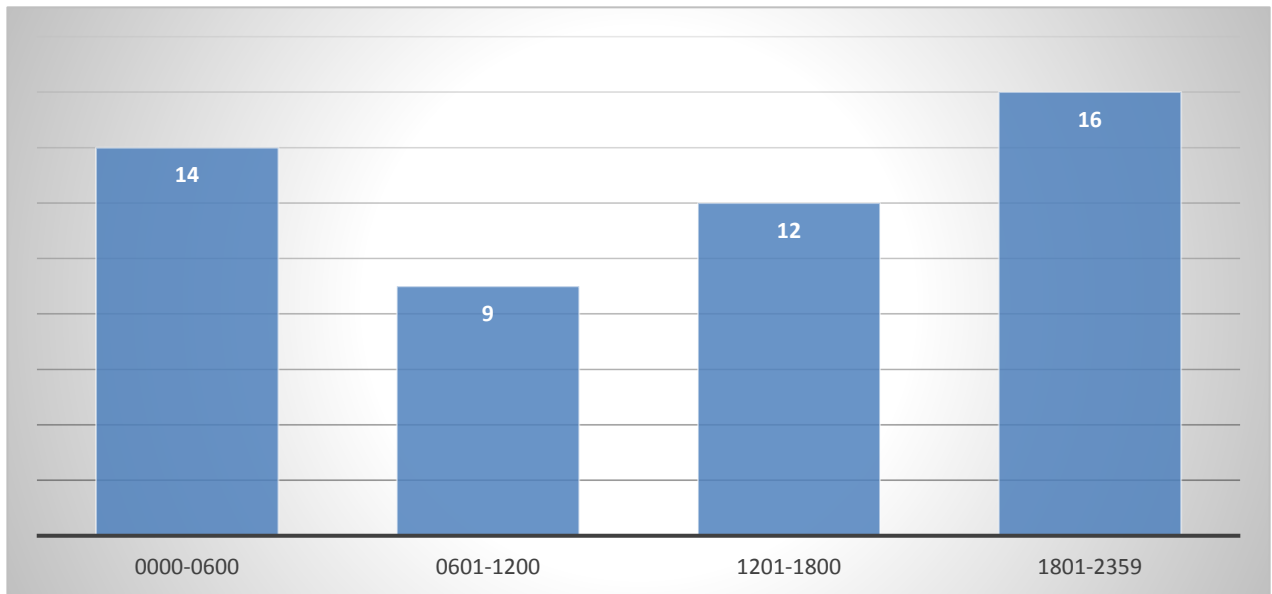
Statistically speaking 3-12 nights and 4-10 swings experienced the most use of force incidents, but this is to be expected as these are the busiest shifts; these shifts deal with the most citizens using alcohol, drugs, involved in domestic disputes or having mental breakdowns. According to a study completed by the International Association of Chiefs of Police², subject intoxication (drugs and or alcohol) appears to be a substantial predictor of police use of force.

² theiacp.org/Portals/0/pdfs/Publications/2001useofforce.pdf

Incidents by Day



Incidents by Time



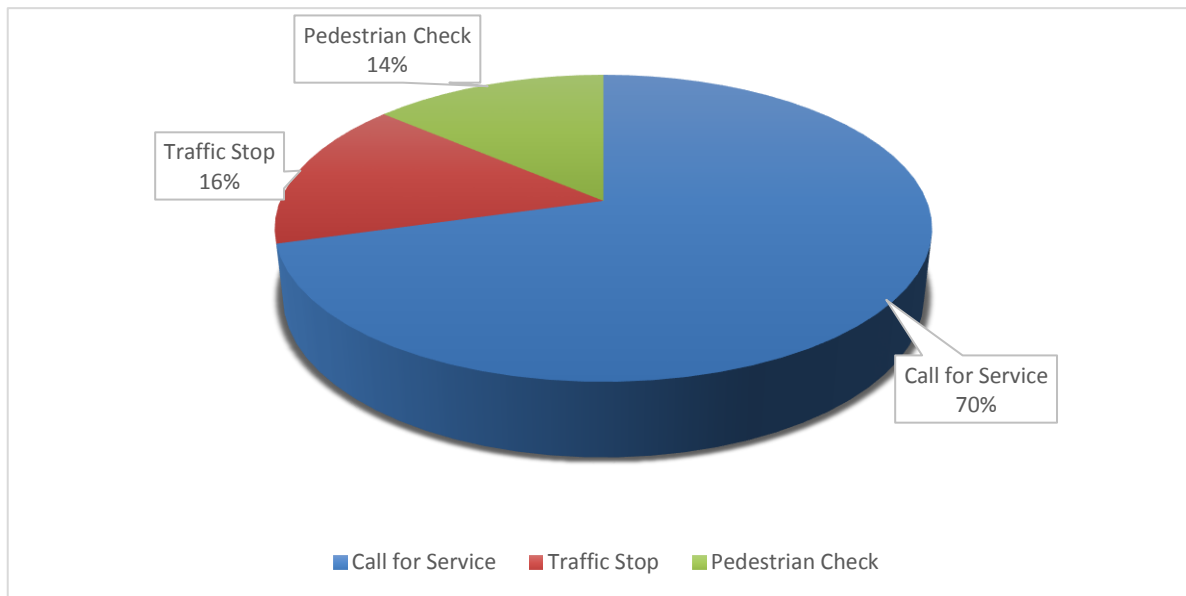
Source of Use of Force Incidents

Call for Service 36

Self-Initiated:

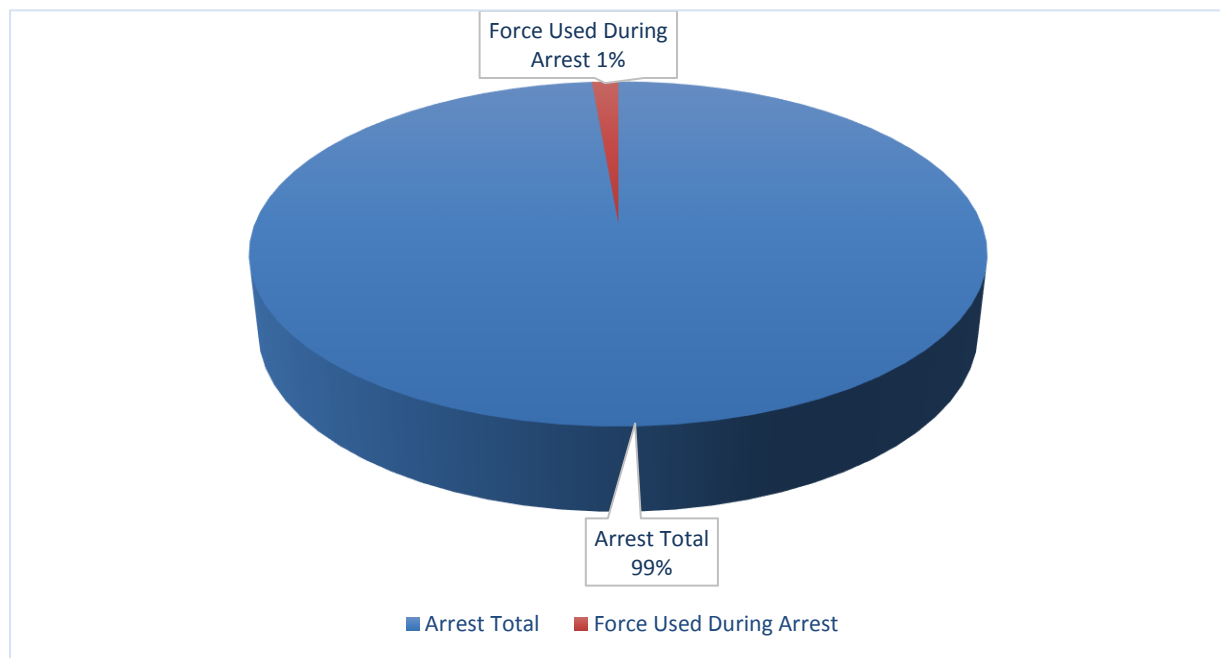
Traffic Stop 8

Pedestrian Check 7



Arrests Involving Force

2015 arrest total:	3,668
Number of arrests involving a use of force:	51



The International Association of Chiefs of Police in conjunction with the U.S. Department of Justice is spearheading a national database to track use of force incidents in relation to arrests. Research and analysis of data has yet to be released. The most recent and comprehensive study³ conducted by the U.S. Department of Justice revealed force is used in approximately 17% of the time when making an arrest, but the sample size is too small for the information to be completely validated (a far less broad study⁴ concluded force was used in approximately 2% of arrests); as demonstrated by current data, Upland Officers use force substantially less than the most current studies.

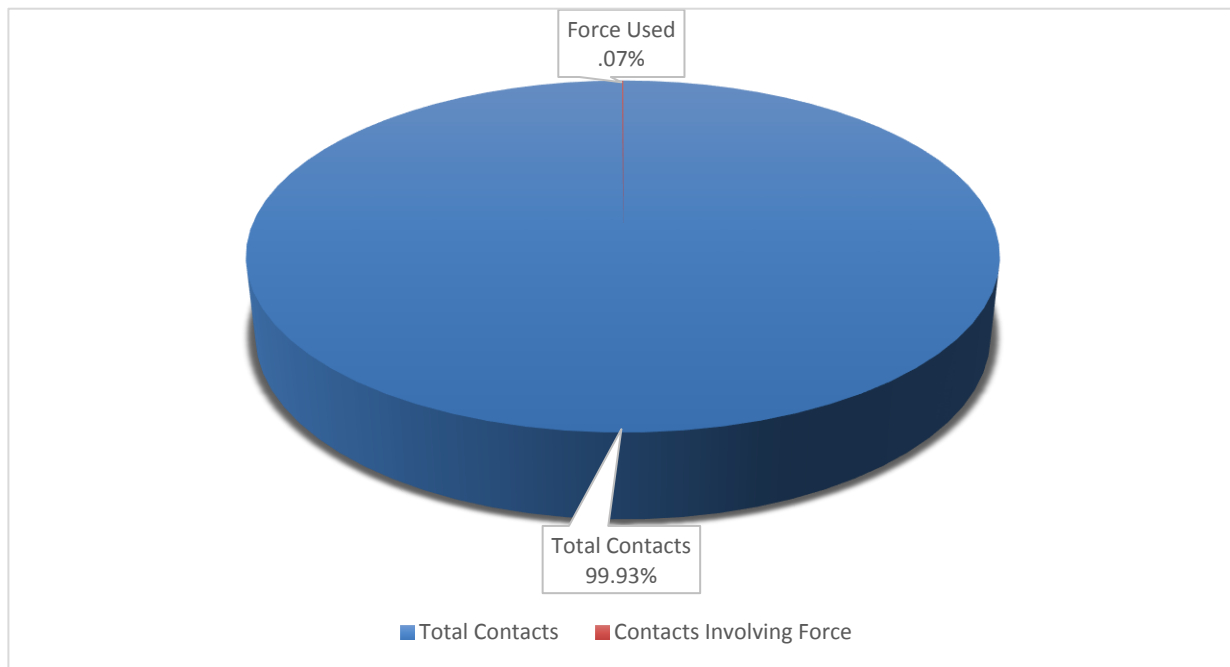
³ ncjrs.gov/pdffiles1/nij/176330.pdf

⁴ theiacp.org/portals/0/pdfs/SeattlePDUseofForce.pdf

Contacts Resulting in a Use of Force

Total contacts (calls for service and self-initiated activity): 69,415⁵

Number of contacts which resulted in force being used: 46



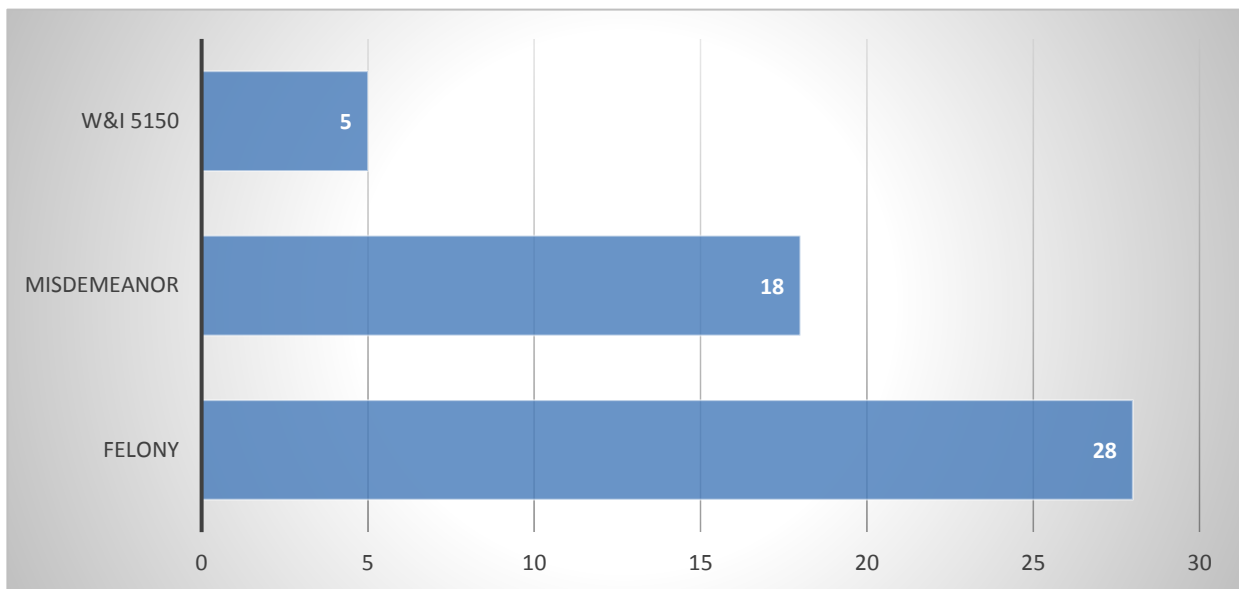
A study by the Bureau of Justice Statistics⁶ indicates that roughly 1.6% of face to face contacts with police resulted in force being used or threatened, again Upland officers are far below the norm for use of force incidents.

⁵ Most contacts result in multiple persons contacted; thus the true amount of force used per contact is much lower.

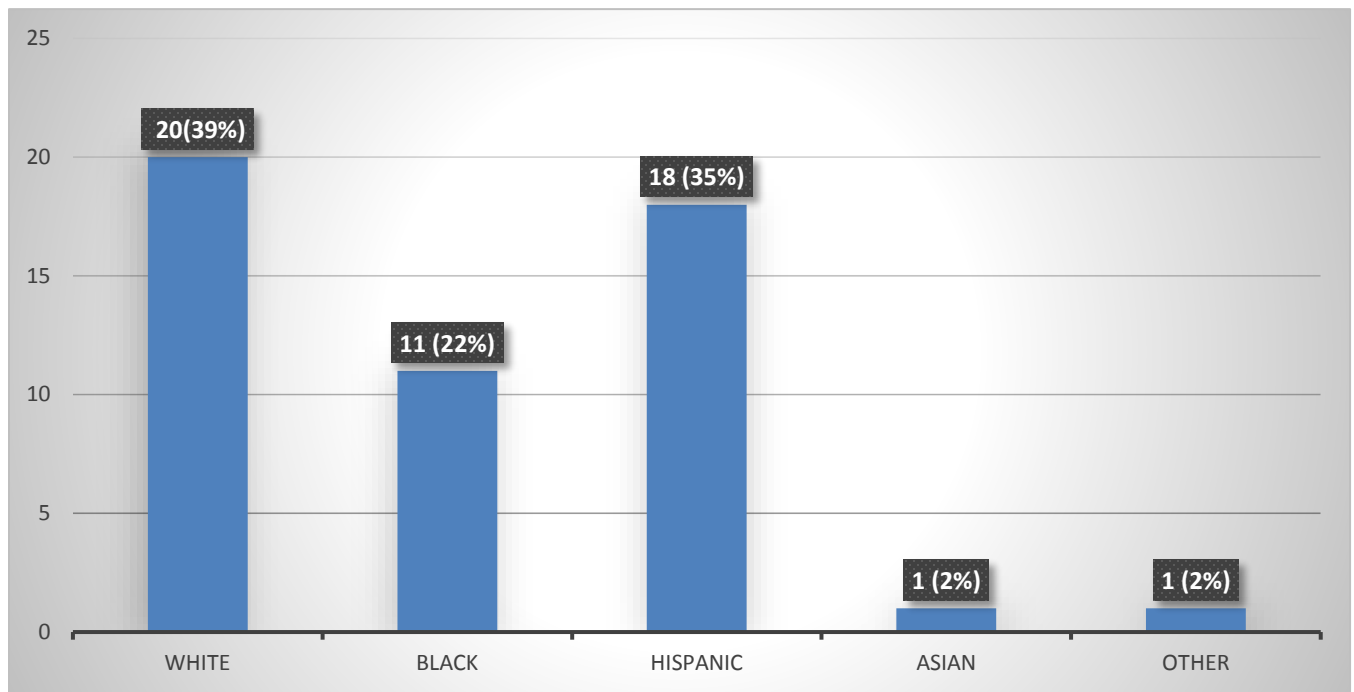
⁶ bjs.gov/content/pub/pdf/punf0211_sum.pdf

Resulting Charges Against Suspect

Felony	28
Misdemeanor	18
W&I 5150 (involuntary psychiatric hold):	5
*Primary charge of PC 69(a) or PC 148(a)(1)	13



Race of Suspect



Suspect Demographics

Gender:

Male:	43
Female:	8

Age:

Adult:	51
Minor:	0

Race:

White	20
Black	11
Hispanic	18
Asian	1
Other	1

Suspect Injuries and State of Intoxication

Suspects Injuries:

Visible Minor Injury	22
Major Injury	0
No Injury	23
Complaint of Pain	6
Suspects Requiring Hospitalization:	0

Suspects State of Intoxication:

Under the Influence of Drugs	12
Under the Influence of Alcohol	13
Not Under the Influence	26

Officer Profile:**Gender:**

Male: 47

Female: 4

Race:

White 27

Black 4

Hispanic 13

Asian 6

Other 1

Rank of Officers Using Force:

Officer 45

Detective 3

Sergeant 3

Lieutenant 0

Captain 0

Chief 0

Officers Injured: 11

Officers Requiring Hospitalization: 0

Use of Force Deemed Out of Policy 2